

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRIMO NO. 1 IN PRODUCE, INC.,
A & J PRODUCE CORP. and
D'ARRIGO BROS. CO. OF NEW YORK, INC.,

Plaintiffs,

- against -

J.D.B. MARKET CORP. t/a JOHN'S MARKET,
JOHN D. BURDO and LIZA K. BURDO,

Defendants.

Case No. 24-cv-7383 (AKH)

**FINAL ORDER
AND JUDGMENT**

THIS MATTER having come before the Court on Plaintiff's application for a Final Order and Judgment; and it appearing that pursuant to the terms of the Stipulation and Order previously filed in this action, this Court is to enter this Final Order and Judgment immediately upon the filing of a declaration by Plaintiff's attorney which states that payment has not been made by Defendants as required by the Stipulation and Order and Defendants have failed to cure the default in payment; and it appearing that Plaintiff's attorney has filed such a declaration and that Defendants have failed to make payment and to cure that default in accordance with the Stipulation and Order; and for good cause shown;

IT IS on this 12 day of May, 2025,

ORDERED, ADJUDGED, AND DECREED that plaintiff Primo No. 1 In Produce, Inc. ("Primo") is a qualified trust creditor and beneficiary under the provisions of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499a *et seq.* ("PACA"), of defendants J.D.B. Market Corp. trading as John's Market ("John's Market"), John D. Burdo ("J. Burdo") and Liza K. Burdo ("L. Burdo") (John's Market, J. Burdo and L. Burdo collectively, "Defendants"), jointly and severally, for a debt as follows: (i) the principal amount of \$69,279.08; plus (ii) accrued interest through

November 12, 2024 in the amount of \$5,234.78; (iii) attorneys' fees through November 12, 2024 in the amount of \$9,201.76, as recited in the Order at ¶ 1; (iv) less the \$38,415.90 paid by Defendants pursuant to the Order; plus (v) additional accrued interest from November 13, 2024 through May 6, 2025 in the amount of \$3,261.30; and (vi) additional attorneys' fees from September 13, 2024 through May 6, 2025 in the amount of \$919.69, for a total judgment in the amount of \$48,089.44; and it is further

ORDERED, ADJUDGED, AND DECREED that plaintiff A&J Produce Corp. ("A&J") is a qualified trust creditor and beneficiary under the provisions of PACA of Defendants, jointly and severally, for a debt as follows: (i) the principal amount of \$61,478.00; plus (ii) accrued interest through November 12, 2024 in the amount of \$529.41; (iii) attorneys' fees through November 12, 2024 in the amount of \$4,516.91, as recited in the Order at ¶ 2; (iv) less the \$35,236.45 paid by Defendants pursuant to the Order; plus (v) additional accrued interest from November 13, 2024 through May 6, 2025 in the amount of \$2,508.40; and (vi) additional attorneys' fees from September 13, 2024 through May 6, 2025 in the amount of \$1,014.87, for a total judgment in the amount of \$34,722.80; and it is further

ORDERED, ADJUDGED, AND DECREED that plaintiff D'Arrigo Bros. Co. of New York, Inc. ("D'Arrigo") (Primo, A&J and D'Arrigo collectively, "Plaintiffs") is a qualified trust creditor and beneficiary under the provisions of PACA of Defendants, jointly and severally, for a debt as follows: (i) the principal amount of \$22,654.00; plus (ii) accrued interest through November 12, 2024 in the amount of \$230.40; (iii) attorneys' fees through November 12, 2024 in the amount of \$1,444.02, as recited in the Order at ¶ 3; (iv) less the \$13,406.49 paid by Defendants pursuant to the Order; plus (v) additional accrued interest from November 13, 2024 through May 6, 2025 in the amount of \$820.97; and (vi) additional attorneys' fees from September 13, 2024 through May 6, 2025

in the amount of \$247.94, for a total judgment in the amount of \$11,462.61; and it is further

ORDERED that Defendants shall, within five business days of service of this Order, turnover any and all funds realized from the sale of produce or products derived from produce in their possession to McCarron & Diess, attorneys for Plaintiffs, located at 200 Broadhollow Road, Suite 207, Melville, New York, 11747 (“Plaintiffs’ Counsel”), for distribution to Plaintiffs; and it is further

ORDERED that any and all funds belonging to Defendants, in the possession of third parties, including Defendants’ banking institutions, shall be immediately turned over to Plaintiffs’ Counsel, for distribution to Plaintiffs; and it is further

ORDERED that any and all funds owed to Defendants shall be paid directly to Plaintiffs’ Counsel, when due for distribution to Plaintiffs; and it is further

ORDERED that Defendants shall supply to Plaintiffs’ Counsel, within five days of the date of this Order, any and all documents in their possession, custody or control which reflect or relate to Defendants’ assets and liabilities, including, but not limited to, the most recent balance sheets, profit/loss statements, accounts receivable reports, accounts payable reports, accounts paid records, bank account statements and income tax returns; and it is further

ORDERED that the judgment entered in favor of Plaintiffs and against Defendants, jointly and severally, is a final judgment, there being no just cause for delay in light of Plaintiffs’ statutory right to prompt payment under PACA, and Plaintiffs may have immediate execution therefore.

ENTERED this 12 day of May, 2025.



ALVIN K. HELLERSTEIN, U.S.D.J.